उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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मामला क्रमांक W.P.(Cri) 3496/ सन् 2007

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	PETITIONER:	Lakhma Korami, S/o Gulusi, aged about 55 years, R/o Village Tadnar, P.S. Narayanpur, Distt. Bastar (C.G.)
		- Versus -
	RESPONDENTS: 1.	State of Chhattisgarh, Through the Secretary, Government of Chhattisgarh, Department of Home Affairs, D.K.S. Bhawan, Mantralaya, Raipur, Chhattisgarh.
	2.	The Director General of Police, Government of Chhattisgarh, Raipur, Chhattisgarh.
	3.	The Inspector General of Police, Narayanpur Range, Narayanpur, District Bastar, Chhattisgarh.
	4.	The Superintendent of Police, Narayanpur, District Bastar, Chhattisgarh.
	5.	The Station House Officer, Police Station Narayanpur, Police District Narayanpur, Revenue District Bastar, Chhattisgarh.
	(Writ petition under Article 226 of the Constitution of India)	
	Division Bench: -	
	Hon'ble Mr. L.C. Bhadoo and Hon'ble Mr. Sunil Kumar Sinha, JJ.	
	26-9-2007	
	Mr. Saurabh Dangi, counsel for the petitioner.	
	Mr. J.T. Gilda, Additional Advocate General with Mr. D.K. Gwalre, Additional Public Prosecutor for the State/respondents.	

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

Mr. Sundarraj P., Superintendent of Police, Narainpur, is present in person.

Heard learned counsel for respective parties and also the Superintendent of Police present.

The petitioner has filed this petition with a prayer that the respondents be directed to produce his son Gangaram, order an inquiry by an independent agency i.e. C.B.I. against the police officers, inquire into the circumstances in which his son Gangaram was abducted, direct the authorities to render proper security to the life of the petitioner and a compensation to the tune of Rs.10,00,000/- be awarded to the petitioner.

Allegations in the petition are that in the last week of June, 2006 on Friday at about 4 a.m. police force came to the village of the petitioner, Tadnar and enquired about the whereabouts of his son Gangaram. They gave beating to the petitioner, then the petitioner took the police party to the place where his son Gangaram, his son's wife Hadmi and their newly born son were sleeping. About 30-35 persons surrounded the place, some of them entered and raided the house, they grabbed Gangaram, dragged him out of the house and took him along with them. Gangaram's wife was not able to step out due to recent delivery. On the next day when the petitioner along with some villagers went to the Police Station and inquired about the whereabouts of his son Gangaram, then the police personnel replied him, nothing to worry, nothing will happen to his son Gangaram, however, they refused to disclose the name of the place where his son Gangaram was taken. Thereafter, the petitioner and villagers returned to their village. Family members of the petitioner and villagers went several times to Narainpur Police Station. Second time,

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

after four days, family members of the petitioner and villagers went to the Police Station and again inquired about the whereabouts of Gangaram. The Police personnel stated that they have not brought Gangaram to Narainpur Police Station. On their third visit after a week the villagers came to know that Gangaram died at Raoghat and the police officer who informed them requested them not to disclose his name. Newspaper report dated 7-5-2007 shows that Gangaram was taken away by the Police under the garb of his being the informer of Naxalites.

Reply has been filed on behalf of the respondents that the allegations of the petitioner are wholly incorrect.

The Additional Advocate General submitted that in fact, Gangaram was a part of Naxalite party, on 1-7-2006, the Police party was ambushed by the Naxalites 11 Kms. from Raoghat and in this encounter between the Police party and Naxalites, two bodies in olive green uniform were recovered and photographs of those Naxalites appeared in the newspaper which is Annexure 4. It is mentioned in the report of the Superintendent of Police that the Police asked the persons to identify the bodies displaying the photographs to the public in the market place and on 8-5-2006 residents of Tadnar identified the photographs to be dead Naxalite as Gangaram, son of Lakhma. Even on the following day i.e. 6-8-2006, petitioner Lakhma saw the photographs of those Naxalites. He identified one of them as his son Gangaram.

Certain documents were submitted for perusal of the Court by learned Additional Advocate General and he submitted that these document are secret documents, their disclosure may jeopardize the public interest. Therefore, we have perused all these documents.

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

It has also been mentioned that the deceased was involved in other six criminal activities prior to this incident viz., in Crime No.32/2006 for offence punishable under Sections 147, 148, 149, 307, 398 of the I.P.C., Sections 4, 5 of the Explosive Substances Act, Sections 25 & 27 of the Arms Act; in Crime No.42/2006 for offence punishable under Section 436 of the I.P.C., Sections 3 & 5 of the Explosive Substances Act; in Crime No.45/2006 for offence punishable under Section 307 of the I.P.C., Sections 3 & 5 of the Explosive Substances Act; and in Crime No.43/2006 for similar offences. In Crime Nos.38 & 22 of the same year Gangaram was accused in all these six cases.

The Superintendent of Police submits that from the case diary statements in all these criminal cases, the identity of Gangaram being a member of the accused party was established.

In view of the above report of the Superintendent of Police, as also the F.I.R. of the incident, in which Gangaram was shot dead in an encounter, registered at Crime No.49/2006 dated 2-7-2006 for offence punishable under Sections 307, 147, 148, 149 of the I.P.C. and Sections 25 & 27 of the Arms Act lodged by Sub Inspector Sanjay Pundhir, Police Station: Narainpur against 50-60 unknown Naxalite persons and that after the incident, the body of Gangaram was identified by his father and villagers of Village: Tadnar, these documents show involvement of Gangaram in the encounter with Police.

Documents submitted for perusal of the Court are returned to the Superintendent of Police.

Based on the above information, we are of the opinion that this petition is filed on unfounded allegations. In the circumstances, no relief

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
Soma	can be granted to the petitioner. The petition is therefore, liable to be dismissed and it is hereby dismissed. No order as to costs. **Sd/-** **L.C. Bhadoo** **Judge**	**Sd/-** **Sunil Kumar Sinha** **Judge**